

**REMARKS**

Claims 1-4, 7-11, 12, 14, 15, 17, 19, 21, 24-26, 27-30, and 33-36 were rejected under 35 U.S.C. §102(e) as being anticipated by Jakobsson et al. ("Jakobsson"). Claims 5, 13, 16, 20, 22, 23, 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jakobsson combined with the Examiner's Official Notice. In addition, the Examiner indicated that claims 6 and 18 would be allowable if rewritten in independent form to include all of the features of its base claim and any intervening claims.

Claims 37-48 were not mentioned in the most recent Office Action. Applicants will presume these claims are allowable unless the Examiner indicates otherwise in a subsequent communication with Applicants.

**The Rejections Based on Sections 102**

The present invention is directed at methods and devices for switching among wireless audio sources which comprises, among other things, the selection of one of a plurality of audio signals for output, where the selection is carried out according to at least one stored selection instruction which specifies a designated triggering event that triggers the selection.

Jakobsson does not disclose the selection of one of a plurality of input audio signals according to at least one stored selection instruction which specifies a designated triggering event, as in claims 1-4, 7-11, 12, 14, 15, 17, 19, 21, 24-26, 27-30, and 33-36. Instead, Jakobsson discloses "messages" which appear to include audio signals, that may be ignored by one or more

devices when a “network descriptor” is different from a network descriptor related to a piconet which contains the devices (see paragraphs 18 and 19 of Jakobsson). This network descriptor is described as being a Channel Access Code (see paragraph 4 of Jakobsson).

Jakobsson does not disclose that these messages are, or can be, used to select one of a plurality of signals based on a triggering event. Instead, these messages are used to authorize a device to receive one, or all, of any number of audio signals so long as the message contains an appropriate network descriptor without regard to a triggering event.

As such, Jakobsson does not disclose each and every element of the claimed inventions and therefore cannot anticipate the subject matter of claims 1-4, 7-11, 12, 14, 15, 17, 19, 21, 24-26, 27-30, and 33-36.

### **The Section 103 Rejections**

In addition, there is no suggestion in Jakobsson that the messages or network descriptors can be used to select one of a plurality of input audio signals using a designated triggering event that includes: (a) a particular date and time (claim 5); (b) a chronological event (claims 16 and 32); or (c) a receipt of a message via an electronic messaging service (claim 31) as in claims 5, 16, 31 or 32 of the present invention.

Jakobsson’s main concern is ensuring that devices operating in one piconet do not interfere with devices operating in a second piconet. Jakobsson

achieves this by assigning a specific network descriptor to each piconet. Jakobsson is wholly unconcerned with the selection of a particular audio signal from a plurality of audio signals based on a specific type of triggering event, as in claims 5, 16, 31 and 32 of the present invention.

With respect to claims 13, 20, 22 and 23, these claims depend on independent claim 12. As such each of these claims incorporates the following features of claim 12: (i) receiving a plurality of Bluetooth™ compliant transmissions, each including a respective input audio signal, from respective electronic devices; and (ii) selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection.

As mentioned previously before, Jakobsson does not disclose the selection of one of a plurality of input audio signals, according to at least one stored selection instruction which specifies a designated triggering event. Claim 12 adds the feature that the audio signals are part of Bluetooth™ compliant transmissions. It is respectfully submitted that it follows that Jacobsson can not disclose or suggest the selection of such audio signals that are a part of Bluetooth™ compliant transmissions according to at least one stored selection instruction which specifies a designated triggering event, as is required by claim 12. Because claims 13, 20, 22 and 23 depend on claim 12, it is

respectfully submitted that these claims are patentable over Jakobsson for at least the reasons set forth above with respect to claim 12.

In sum, claims 5, 13, 16, 20, 22, 23, 31 and 32 would not have been obvious to one of ordinary skill in the art upon reading the disclosure of Jakobsson.

Nor does the combination of the Examiner's Official Notice with Jakobsson render claims 13, 20, 22, and 23 obvious. Claims can be rendered obvious based on Official Notice if the Examiner provides documentary evidence that the subject matter of the rejected claims is well known. Absent such evidence, claims can only be rendered obvious if the facts (e.g., claimed features) asserted to be well known are capable of instant and unquestionable demonstration as being well known (see MPEP, 2144.03).

Here, the Examiner provides no documentary evidence that the subject matter of claims 13, 20, 22 and 23 is well known. Nor can it be said that the subject matter of these claims is capable of instant and unquestionable demonstration as being well known in light of the fact that these claims include features of independent claim 12 which is patentable over Jakobbsen with or without the Examiner's Official Notice.

In sum, applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-36.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

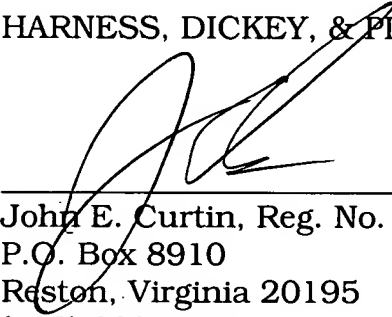
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



---

John E. Curtin, Reg. No. 37,602  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JEC:psy